

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of California Water Service Company (U 60 W), a Corporation, for an Order Authorizing It to Increase Rates Charged for Water Service at Each of Its Operating Districts to Recover Increased Operating Expenditures at Its General Office.

Application 01-05-002
(Filed May 1, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON NOTICE OF INTENT TO CLAIM COMPENSATION**

On September 13, 2001, Aglet Consumer Alliance (Aglet) filed a notice of intent to claim compensation (NOI).

Aglet states that it is a customer because it is an unincorporated non-profit consumer advocacy association whose articles of organization and bylaws authorize it to represent the interests of residential customers. One or more of Aglet's members is a customer of Applicant. Aglet is, therefore, a customer.

Aglet states that it will address expenses and capital costs in this proceeding, and estimates its own costs to participate in this proceeding as \$30,310.

Aglet received a finding of significant financial hardship in Application 99-09-029, by an Administrative Law Judge's (ALJ) ruling dated September 22, 2000, that created a rebuttable presumption of financial hardship.

California Water Service Company (CWS) opposes the NOI. CWS argues that the NOI is untimely because it was not filed within 30 days of the prehearing

conference held on July 10, 2001. CWS also says that it should be rejected because Aglet is not a party.

Rule 76.74 (b) of the Commission's Rules of Practice and Procedure provides that where parties cannot reasonably identify issues within the statutory time, the ALJ may specify a procedure for accepting new notices. In this case, CWS filed an amendment to its application on August 15, 2001. While the issues were broadly identified in the Assigned Commissioner's Scoping Memo and Ruling, the amendment provided considerably more information for the parties to review in determining the issues they may wish to address. Therefore, I will treat the notice as timely because it was filed within 30 days of the filing of the amendment.

As to the fact that Aglet is not a party, nothing in Public Utilities Code Section 1804 specifically states that a customer must be a party in order to file a NOI. A customer must, however, be a party in order to claim compensation because party status is necessary in order to participate in a formal proceeding. Rule 76.74, which addresses the filing of a NOI, refers to a NOI filed by a party. Rule 76.75, which addresses replies to a NOI, refers to a reply by a customer to a party's response to its NOI. It appears that the Commission has used the terms "party" and "customer" somewhat interchangeably, even though the terms are defined differently. Given that there is no explicit requirement that a customer becomes a party before he or she files a NOI, I find that Aglet's NOI is properly filed. Therefore, Aglet has satisfied the requirements for eligibility to claim compensation. Issues raised by CWS concerning estimated expenditures, and duplication of representation, are best dealt with if, and when, a request for compensation is filed.

Therefore, **IT IS RULED** that:

1. Aglet Consumer Alliance is eligible to file a claim for compensation in this proceeding, if it becomes a party.
2. Eligibility to claim compensation does not ensure that compensation will be awarded.

Dated October 30,2001, at San Francisco, California.

/s/ JEFFREY P. O'DONNELL

Jeffrey P. O'Donnell
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated October 30, 2001, at San Francisco, California.

/s/ JACQUELINE GORZUCH
Jacqueline Gorzoch

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.

A.01-05-002 JPO/jgo